

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPELLANT: Apps et al. ART UNIT: 3637
SERIAL NO.: 09/439,427 EXAMINER: Jose Chen
FILED: 11/15/1999 ATTORNEY DOCKET NO: 491PUS; 67080-036

FOR: PLASTIC PALLET

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REVISED SUMMARY OF THE CLAIMED SUBJECT MATTER

Dear Sir:

This is in response to the Notification of Non-Compliant Appeal Brief from the Examiner, mailed on October 16, 2007. Applicant submits herewith the revised Summary of the Claimed Subject Matter only, as requested by the Examiner. It is believed that no fees are due. However, if any further fees are necessary, you are hereby authorized to charge the deposit account 50-1984 in the name of Rehrig Pacific Company.

SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention relates to plastic pallets. Pallets are used to support goods above the ground so that they can be lifted with a fork lift. Pallets include a top deck having an upper surface with columns or supports supporting the top deck above the ground. The pallet may further include a lower deck, with the columns extending between the top deck and the lower deck.

One problem with some plastic pallets is that their surfaces tend to be slippery. Measures must be taken to prevent the load from sliding off the pallet; to keep stacked pallets, whether loaded or not, from sliding off one another; and to keep the pallets from sliding off the forks of the fork lift. Common anti-slip measures involve the use of anti-slip coatings or rubber inserts, such as pads or grommets, placed in strategic locations. One problem with these anti-slip measures is that they require the installation of additional parts or materials. Further, anti-slip coatings can wear away, while inserts can work loose and fall off during use.

As claimed in claim 22, the present invention provides a synthetic resin pallet having upper and lower decks 10, 40 (Figure 1; page 6, lines 11-12) spaced apart by a plurality of supports 50 to define therebetween fork-receiving regions beneath the upper deck 10. (Figure 1; page 7, lines 27-28). Claim 22 is a product-by-process claim, which recites a pallet made by mechanically scuffing a top surface of the upper deck 10, a bottom surface of the lower deck 40, and an underside of the upper deck 10 in the fork-receiving regions to create scuffs forming a slip-resistant scuffed texture thereon. (Figure 19; page 8, line 25 to page 9, line 2).

Claim 26 recites plastic pallet including a first deck 10 and a second deck 40 spaced apart from each other by a plurality of support members 50 extending therebetween and defining fork-receiving regions. (Figure 1; page 6, lines 11-12; page 7, lines 27-28). Claim 26 is a product-by-process claim that requires that the pallet is made by scuffing an outer surface of the first deck 10 and an inner surface of the first deck 10 in the fork-receiving regions to define a plurality of slip-resistance scuffed surfaces S. (Figure 19; page 8, line 25 to page 9, line 2).

Claim 31 recites a first deck 10 and a second deck 40 spaced apart from each other by a plurality of support members 50 to define fork-receiving regions therebetween. (Figure 1; page 6, lines 11-12; page 7, lines 27-28). Claim 31 is a product-by-process claim that the pallet is made by scuffing an upper surface of the first deck 10 and a lower surface of the second deck 40 to define a plurality of slip-resistance scuffed surfaces S. (Figure 19; page 8, line 25 to page 9, line 2).

Claim 36 recites a pallet having at least one deck member 10, 40, the pallet prepared by a method including providing the at least one deck member 10, 40 having a first surface and a second surface. (Figure 1; page 6, lines 11-12). The process further includes the step of mechanically scuffing at least one of the first and second surfaces of the deck member 10, 40 to define a slip-resistant surface S thereon. (Figure 19; page 8, line 25 to page 9, line 2).

Claim 39 recites a pallet having at least one deck member 10, 40. Claim 39 is a product-by-process claim requiring molding a single material to form the at least one deck member 10, 40 having a first major surface of the single material and a second surface. (Figure 1; page 6,

lines 11-12; page 7, lines 27-28). Claim 39 also requires that the pallet is made by mechanically scuffing the first major surface of the deck member 10, 40 to create scuffs which define a slip resistant surface S thereon. (Figure 19; page 8, line 25 to page 9, line 2).

Claim 44 recites a synthetic resin pallet having upper and lower decks 10, 40 spaced apart by a plurality of supports 50 to define therebetween fork-receiving regions beneath the upper deck. (Figure 1; page 6, lines 11-12; page 7, lines 27-28). Claim 44 is a product-by-process claim reciting the pallet made by a method comprising mechanically scuffing at least one of the top surface of the upper deck 10, the bottom surface of the lower deck 40, and the underside of the upper deck 10 in the fork-receiving regions to create a slip-resistant scuffed texture. (Figure 19; page 8, line 25 to page 9, line 2).

Respectfully submitted,

/John E. Carlson/

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